

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DANIEL O'NEILL,

Plaintiff,

v.

CV 11cv858 JB/GBW

LAWRENCE JARAMILLO, MANUEL PACHECO
DWANE SANTISTEVAN, MICHAEL GATTI

Defendants.

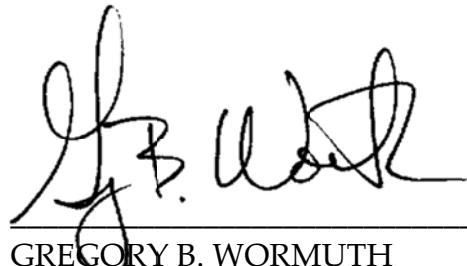
ORDER DENYING DEFENDANTS' MOTION TO STRIKE

This matter comes before the Court on Defendants' "Motion to Strike." *Doc. 58.*

Defendants move the Court to strike Plaintiff's "Objection to Entry of Appearance" ("Objection")(*doc. 55*), "Certificate of Service"("Certificate")(*doc. 56*) and "Motion Requesting Communication Between the Court and the Secretary of Corrections"("Motion")(*doc. 57*). This Order denies Defendants' motion.

Rule 12(f) of the Federal Rules of Civil Procedure permits a court to strike **pleadings** from the record when the pleadings are redundant, impertinent, immaterial, or scandalous. (Emphasis added.) In the context of motions to strike, "pleadings" are defined narrowly as "a complaint or third-party complaint; an answer to a complaint, a third-party complaint, a counterclaim, or a crossclaim; and, 'if the court orders one, a reply to an answer.'" *Ysais v. N.M. Judicial Std. Comm'n*, 616 F. Supp. 2d. 1176, 1184 (D.N.M. 2009) (quoting Fed. R. Civ. P. 7(a)).

Plaintiff's Certificate, Motion, and Objection cannot be classified as pleadings. As such, they cannot be subject to a motion to strike. Wherefore, **IT IS HEREBY ORDERED** that Defendants' Motion to Strike (*doc. 58*) is DENIED.



GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE